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HONOLULU, HAWAII TERRITORY, SATURDAY, DECEMBER 17, 1910.

PRICE FIVE CENTS.

IMPEACHMENT IS ORDERED FOR CATHCART

City Attorney Is Facing Removal From Office on Eve of New Term.

WON'T PROSECUTE M'QUAID

Papers Now Being Drawn Up by Attorney-General—Has One More Chance.

Impeachment papers are now in the course of preparation and about to be presented against John W. Cathcart, city attorney, for his refusal to carry on the business of his office in obedience to the law. Attorney-General Alexander Lindsay Jr. yesterday afternoon commenced the drafting of these papers, which are expected to put an end to Cathcart's official career.

This step was decided after all hope of settling the breach between the territorial and city legal departments was passed and an emphatic and absolute defiance from the latter to the former was issued by Fred W. Milverton, Cathcart's deputy, and the man who was largely responsible for the disgraceful handling of the Edward E. Lane case at its inception.

The case of criminal assault against James Evans, a negro, now proceeding before Judge Cooper, with the prosecution in charge of A. M. Brown, is the last that will be handled by the city attorney's department until Cathcart is removed from office by a board of impeachment, or until he once more consents to do the work for which Lindsay holds he was elected.

Case Reaches Crisis. The whole matter came to a crisis yesterday before Judge Cooper in the district court over the disposition of the William McQuaid case. Judge Cooper set it for hearing on January 18, and then asked Milverton whether or not he would prosecute in the case.

Milverton said that he thought he was bound by the decision of his superior not to carry on circuit court proceedings and that he might say that he wouldn't, nor would any member of the city's legal department. Judge Cooper then telephoned for the attorney-general.

When Lindsay arrived Judge Cooper explained the situation. Lindsay turned to Milverton and asked him to repeat the statement. Milverton did so. "Well, if your honor please," said Lindsay, "this rather takes me unawares. I didn't take that statement yesterday as meaning anything. Of course, if that statement is kept up it will be my duty to bring impeachment proceedings against Mr. Cathcart. It is his duty to conduct these cases. I thought he was unwell when he made the statement and I took no stock in it. I will say this much of the city and county attorney's department, if it is not going to prosecute these cases, I see no reason why the attorney-general's department can not."

Gets Right to Work. Milverton gathered up his books and departed to tell his superior, and Lindsay departed to do other things. Upon arriving back at his office he had no time in getting to work on the case. He held a consultation with his deputies in which they prepared to take up the work which the city attorney so contemptuously threw down. Then the attorney-general proceeded to get the statutes on impeachment together and to draw up the papers.

The McQuaid case is not the first definite case which Cathcart, through his deputy, has refused to prosecute. In criminal cases will be coming up all next week and these, also, will receive attention from his department. The first time that one of these is called and the city attorney, or his deputy, fails to appear to take up the prosecution, Lindsay will present the papers before the board of supervisors, which the law makes a board of impeachment.

Handicaps Justice. The attorney-general's department is placed in an almost impossible position by the high-handed powers taken upon himself by the city attorney. Those cases prosecuted by the lower department in the police court, in which Cathcart has not yet refused to prosecute, which are appealed to the circuit court will have to be retried by Lindsay or his deputies. They will have to take the cases up knowing nothing about them, that being the situation in connection with every case about to come up at present.

"The fat is in the fire now," said Mr. Lindsay, yesterday. "There was never any friction between our departments, but as long as he has thrown down the gauntlet, the law says that I shall take it up."

FLOODS IN ENGLAND. LONDON, December 16.—Disastrous floods, resulting from long-continued rainfalls, are reported in many parts of England.



JOHN W. CATHCART. City attorney, who may be impeached if he refuses to perform his duties, as he threatens.

CHINESE PETITION ON TO WASHINGTON

Liberty Party to Forward Papers to Chinese Minister—Society War.

Realizing that any petition that is forwarded from the Honolulu Chinese, direct to the home government, would have to be presented by some mandarin, who would at once be identified with the revolutionary party in Hawaii, and be treated as such in China, the Liberty Party of this city decided to forward their petition, that the consul be removed, through the Chinese minister at Washington.

This course is considered by the local Chinese to be the best, and the petition that was circulated and signed on Thursday night at Aala Park, will go forward to Washington by the first mail.

There are many Chinese in this city who state that the petition will carry no weight when it reaches the Chinese home officials. They also state that many prominent Chinese in Honolulu are advising the consul as to the course to follow in regard to the present crisis. The Chinese paper, Liberty News, which was issued yesterday, commented on the mass meeting held at Aala Park, and said that people fought with one another to get at the petition and sign it. The paper went on to state that the consul is an enemy to the Chinese of Hawaii, and also repeated the remarks of Hee Fat, which were published yesterday.

The Sun Chung Kwoek Bo, which is published today, will give the other side of the affair. From advance reports, it is ascertained that Hee Fat is not considered to be a revolutionist in the strict sense of the word. It is alleged that some time ago, when the paper now known as the Liberty News, was in trouble with a Japanese paper, Hee Fat came to the rescue with money enough to tide the sheet over the newspaper war.

It is also stated in Chinese circles that, if any responsible Chinese will assure the consul that the seven men said to have been reported to China are not revolutionists, the matter will be dropped. Outside of the Liberty News and the Sun Chung Kwoek Bo, the other Chinese newspapers are not mixing up in the squabble.

In the opinion of many Chinese there is nothing else to the whole trouble except a form of society row, such as is at all times cropping up. The younger generation of Chinese is not mixing up much in the affair, and they say that China has changed a lot since the days when their fathers were boys. The Liberty News claims that Doctor Li and the editor of the Sun Chung Kwoek Bo, are advising the consul, as well as many prominent merchants.

COUNTY COMMITTEE HOLDS UP INDORSEMENT OF DOCTOR MACKALL AS THE CITY PHYSICIAN

What is Dr. Bruce Mackall's status with the incoming Republican officeholders?

The Republican county committee apparently wants to ascertain the answer, for when Doctor Mackall's name, as an applicant for the position of city physician (which he now holds), was brought before the committee yesterday afternoon the matter was referred to a special committee, consisting of Chairman William Henry and George A. Davis.

It is understood, however, that Doctor Mackall is not the only applicant for the position. Dr. J. H. Raymond is said to be an aspirant for the office and is believed to have substantial backing, although he has been a Democrat and was to have been a nominee of the Democratic party for senator, but for the fact that he withdrew before the nominations were made because he was afraid of being knifed by the McCandless wing of the party. Doctor Raymond declared that he would not support McCandless, on account of the latter's immigration policy.

Recommendations Made. Doctor Raymond is an avowed upholder of the present immigration law and of many other of the Republican doctrines, as far as their local application is concerned. The committee dealt with a large number of applications for positions

FIFTY PER CENT DID NOT DRAW

Maui Land Applied for as Homesteads Still in the Public Domain.

The public lands of Hawaii, using the late land drawings on Maui as a criterion, are worth something to just fifty per cent. of those who clamor for them. The tabulated results of the drawings for the homesteading lands at Kahakuloa, Wailua and Kaupo on the Valley Isle, have just been completed and show this result.

Out of eighty-one applicants for homesteads, all of whom were drawn for preference in the usual manner, just forty availed themselves of the opportunities offered and the trouble made necessary by their application and took up land. Of the forty-one who didn't, just three had reasonable excuses.

Out of the first fourteen names drawn one only did not take up land but thereafter the percentage of those refusing to select became gradually greater as if they wanted first choice, but nothing else. It has been predicted that by the time those who do not fill the homesteading requirements are eliminated the percentage of those who finally make use of the public lands so offered will be very much smaller.

Hawaiians in Majority.

The majority of those taking up the lands are Hawaiians. Out of the various methods of securing the land, only two took out certificates of occupation while the rest divided equally between right of purchase leases and cash freeholds.

"I am very glad that the land board has taken up the matter of phoney homesteading," said Commissioner Campbell, of public lands, yesterday. "While it does not rest strictly with them their interest in the matter is very gratifying, the more so as the subject is worthy of deepest attention."

Indifference Indicated.

The indifference of many of those applying for homesteads is more than evident in the Maui results. While the majority of those who did not take advantage of their right of selection merely stayed away from the drawings, others were interested sufficiently to come around and say that they didn't want the lands at all.

Several flatfootedly stated that they did not wish to draw while several others came forward with the remarkable statement that they had a little land at Wailua and did not want any more, which hardly explains their anxiety to get in the drawing.

Two are accredited with the more emphatic statement that they didn't want any lot at all, their attitude in the matter bordering on a malicious desire to bait in. The three who had reasonable excuses had all entered their names in couples, husband and wife, and the one who drew the number nearest the lot exercised the privilege of selection, while the other had his or her name, as the case might be, stricken out.

FAVORS ELECTION OF SENATORS BY PEOPLE

WASHINGTON, December 16.—The senate committee on judiciary, of which C. D. Clark of Wyoming is chairman, today made a report in favor of an amendment to the constitution providing for the election of senators by a direct vote of the people, instead of by state legislatures.

This amendment, which has been demanded by many States, and is being agitated all over the country, is expected to meet considerable opposition in the senate, but the favorable report made today indicates that it will soon be submitted to the States for ratification.

GRAND JURY INVESTIGATING CONDITIONS IN SO-CALLED JAPANESE TEA HOUSES

The Japanese tea houses of Honolulu are on the grill and the grand jury, according to unofficial reports, is now determining just how much of real Japan may exist in Honolulu. The reported investigation began several days ago when a number of witnesses were called, including the best known Japanese business men of the city as well as most of the geisha girls.

H. Miyamoto, better known as "Charlie," and H. Hirano, proprietors of the two best known joints of the kind in the city, were arrested yesterday by Liquor Inspector Fennell on warrants sworn to by himself charging them with selling liquor without a license.

As Fennell himself was a witness before the inquirers it is possible that the grand jury is looking into these two cases, but it is hardly probable as they are now pending in the district court. That these two houses form part of the investigated subjects, however, is not doubted. The Anzuma resort on School street is another place evidently on the grill, as several of the geisha girls who frequent the place have already testified before the jury.

Among the other witnesses were K. Ona, Edward Townsend, police court interpreter; Tanabe, manager of a rice mill; Sumida, George Yamada and many others, including several well-known Japanese doctors. These men

MAYOR'S VETO IS ANNOUNCED

Funny Arguments Used to Knock Exposed for Sale Foods Ordinance.

MEETING CALLED FOR TODAY

Douthitt, Atkinson and Andrews Combine Legal Forces to Defeat Bill.

Mayor Fern will present his veto of the exposed for sale foods ordinance at a special meeting to be held at ten o'clock this morning.

The mayor sent this announcement in written form to the supervisors at their meeting yesterday noon. The veto was not unexpected, however, as several lawyers, who have been hired by the Chinese and Japanese market men to kill the measure in any way possible, have had the ear of the mayor on several occasions and have caused him to withhold his signature from the bill.

The veto is not his, however. It is Clerk Rivenburgh's veto. Mayor Fern has had nothing to do with the writing of the veto except to sign it.

Attorneys Douthitt, Atkinson and Andrews appeared before the board yesterday and knocked the proposed ordinance in every way possible. Some of their arguments were of the puerile kind that had full sway all through the campaign. It was bombast, and few sane reasons were advanced why the ordinance, which is designed to protect the buying public from purchasing contaminated food, should not become law.

Puerile Arguments.

It was argued that the law making it necessary to put mosquito nets or wire screens over fish, meats and other exposed foodstuffs would make the price of food go up; that the interior of the screens would become impure; that the screens would really prevent the free air from circulating freely over the meats, and that would be bad for the public; that little Japanese salesmen could not sell over the screens, as the screens would be too high and the sellers too small; that people might get bromine poisoning if the meats and fish came in contact with the wire screens, and that people should also be made to put screens over their mango trees and vegetables to prevent them

(Continued on Page Four.)

DEPRECATES CHANGE OF BEING ANY WAR

WASHINGTON, December 16.—George von L. Meyer, secretary of the navy, declared today, in a statement before the naval affairs committee, that he does not expect the United States to be involved in war during his lifetime. This statement is in answer to the alarmist agitators who foresee conflict within a short time. However, the navy secretary is a strong believer in carrying out the development of the navy he has outlined in his annual report.

Congressman James McLaughlin of California further stirred up the alarmist contingent in congress by issuing a statement today denouncing the suppression of the report of Secretary Dickinson of the war department, which is believed to contain startling facts concerning the "unpreparedness" of the United States in case of war.

McLaughlin contends that the report should be given publicity, and that the people should be given to understand the status of affairs.

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Among the other witnesses were K. Ona, Edward Townsend, police court interpreter; Tanabe, manager of a rice mill; Sumida, George Yamada and many others, including several well-known Japanese doctors. These men

REPUBLICANS IN BAD ONCE MORE

Lose Last Petition in Supreme Court and Announce a Discontinuance.

There is no longer an election contest before the supreme court of the Territory. The petition of Andrew Bright and others praying that an order issue setting aside the election of Joseph J. Fern and declaring Lane mayor was dismissed yesterday. At the same time the attorneys who have been conducting the fight for the Republicans announced in open court that there would be no continuation of it on their part.

The withdrawal of several of the thirty men who signed the petition for the removal of Fern upset the suit and it was on this ground that the decision of the court yesterday dismissed it. The opinion was written by Justice Perry, concurred in by Circuit Judge Whitney, who was sitting in place of the absent chief justice, but it was dissented from in part by Justice De Bolt. The latter maintained in a minority opinion that the withdrawal of several men from the necessary thirty after the petition had been filed did not invalidate the case.

Majority Point.

"If one of the thirty withdraws," says Justice Perry, in his opinion, "and still leaves vitality in the proceeding, twenty-nine may withdraw with the same result. We are unable to conclude that the legislature contemplated the continuance by one voter, or by ten or by any number less than thirty, of a contest, even though properly instituted by the required number."

Justice De Bolt dissents on this point, saying in his opinion:

Minority Opinion.

"If the opinion of the majority (of this court) is sound, then also, by the death, insanity, conviction of felony or removal from the election district of any one of thirty petitioners after filing the petition would operate as a dismissal of the petition and oust the court of its jurisdiction. I can not believe that the legislature intended, or that the statute contemplated any such condition of affairs, or that the rights of the honest voter should be unreasonably placed in the keeping and held at the pleasure or mere whim of a possible corrupt, ignorant or weak man, simply because he happens to be one of the thirty petitioners."

"Whatever may be said as to an election contest being an adversary proceeding," continues the opinion, "it must be conceded as it seems to me, that there is a marked distinction between a contest instituted by a defeated candidate and one begun by thirty voters. The candidate, in addition to his interest as a citizen and a voter, also has a deep personal and pecuniary interest in the matter. The thirty voters as petitioners have no interest save those in common with other citizens and voters. This distinction, to my mind, tends to show that such petitioners owe a duty to the public and to their fellow petitioners which they can not throw off at will."

The majority of the court also held that after several of the petitioners had withdrawn from the case it was not permissible to amend the complaint by the introduction of several more petitioners to fill their place as the attorneys for the petitioners had moved to do. This point was concurred in by De Bolt.

CUBAN GENERAL QUILTS.

HAVANA, Cuba, December 16.—General Guerra has resigned as commander-in-chief of the Cuban army, as a result, it is reported, of his inharmonious relations with President Gomez.

CONSPIRACY IS CHARGED BY TAWNEY

Minnesota Congressman Asserts War Scare, Plan to Get Appropriations.

ACCUSATION OF BAD FAITH

Californian Replies Hotly and Denounces Attitude of His Opponent.

WASHINGTON, December 17.—The members of the house experienced yesterday a series of exciting incidents connected with the war scare, induced by the suppression of the annual report of Secretary of War Dickinson, which are the sole topics of discussion.

Representative James A. Tawney of Minnesota created something of a sensation by declaring that a conspiracy existed to stampede congress into making extra large military appropriations, and that the resolution introduced by Congressman James McLaughlin of California for making public the secretary of war's report was not introduced in good faith, and further that it was cowardly to make known the national weakness.

Denounces Tawney.

Congressman McLaughlin replied to the Minnesota congressman in heated terms, strongly denouncing Tawney's attitude and asserting that he was largely responsible for the present unpreparedness of the country in case of war.

Continuing, McLaughlin contended that it was the wickedest national cowardice to keep the people in a state of ignorance as to the conditions in the war department, and then, in case of hostilities, send the men to battle untrained, unequipped and only to be murdered.

Excites Controversy.

The controversy excited the greatest attention by the house, and last night in the lobbies of the hotels it was the subject of heated discussion, each congressman having his warm supporters.

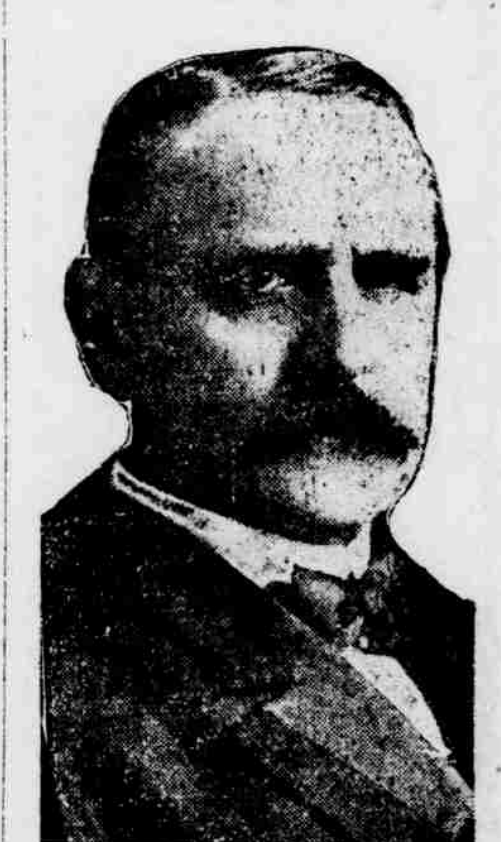
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MEXICAN TROOPS ARE DEFEATED IN FIERCE CONFLICT

EL PASO, December 17.—Advices from Chihuahua bring the unexpected news that the regular Mexican troops and rurales have been defeated in a fiercely fought battle near La Junta in that State.

While the details are meager, it is asserted that the fighting continued for hours, but the revolutionists finally forced the government troops into such a position that 150 of them were forced to surrender.

This is the first time that such a defeat has met the partisans of President Diaz, and the revolutionists here are elated and assert that this victory will mean a great deal for their cause.